

petition. The Constitution's "case or controversy" jurisdictional requirement precludes the granting of such an advisory opinion. In re Watson, 1997 WL 487431 *1 (N.D. Cal. Aug.6, 1997) (denying without prejudice a state prisoner's request for an extension of the AEDPA statute of limitations where the prisoner had not yet filed a federal habeas petition); accord Corcoran v. Tilton, 2008 WL 816682 (C.D. Cal. Mar. 25, 2008) (same); see United States v. Leon, 203 F.3d 162, 163-64 (2nd Cir. 2000) (federal court lacks jurisdiction to consider request to extend the time to file a motion under 28 U.S.C. section 2255); United States v. Polanco, 1999 WL 328352 *2 (S.D.N.Y. May 21, 1999) (same); United States v. Agnes, 1997 WL 763025 *1-2 (E.D. Pa. Dec. 9, 1997) (same); see also Calderon v. Ashmus, 523 U.S. 740, 746-49 (1998) (no "case or controversy" where prisoners sought declaratory relief to determine the time limits that would govern future habeas actions); United States v. Cook, 795 F.2d 987, 994 (Fed. Cir. 1986) (District Court erred by tolling statute of limitations in advance of the filing of potentially untimely claims).

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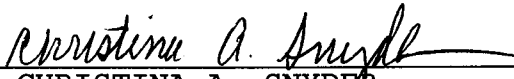
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1 For all of the foregoing reasons, the Petition is denied and
2 dismissed without prejudice.

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4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: July 7, 2008.

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9 
10 CHRISTINA A. SNYDER
11 UNITED STATES DISTRICT JUDGE
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14 PRESENTED this 2nd day of
15 July, 2008, by:

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18 CHARLES F. EICK
19 UNITED STATES MAGISTRATE JUDGE
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